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20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA

22 In re: TEXTAINER PARTNERSHIP )  
23 SECURITIES LITIGATION )

24 Master File No.  
25 C 05-00969 MMC

26 NOTICE OF VOLUNTARY  
27 DISMISSAL WITHOUT  
28 PREJUDICE; ORDER DISMISSING  
CASE NO. C-05-1146 ONLY

29 This Document Relates To: )

30 No. C 05-1146 MMC (Gordon) )  
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PLEASE TAKE NOTICE that, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, plaintiff, Alan P. Gordon, hereby dismisses this action (No. 05-1146) without prejudice. Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Court approval of this dismissal is not required, as this is not a voluntary dismissal of the claims of a certified class. *See* Fed. R. Civ. P. 23(e)(1)(A); *see also* Fed. R. Civ. P. advisory committee's note (2003)("The new rule requires approval only if the claims, issues or defenses of a certified class are resolved by a settlement, voluntary dismissal, or compromise.").

Dated: October 6, 2005

CHIMICLES & TIKELLIS LLP

By: /s/ James R. Malone, Jr.

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Dated: October 11, 2005

